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VIA ECF

Honorable Mark Falk, U.S.M.J.
United States District Court
District of New Jersey
U.S. Post Office & Courthouse Building
1 Federal Square, Room 457
Newark, NJ 07102

Re: *In re Medco/Express Scripts Merger Litigation*
Civil Action No. 11-4211 (DMC/MF)

Dear Judge Falk:

Our firm, together with Sullivan & Cromwell LLP, represents Defendant Medco Health Solutions ("Medco") in the above-captioned action. We write in response to Plaintiffs' letter to your Honor dated September 23, 2011, in which Plaintiffs ask the Court (i) to grant their application for expedited discovery, and (ii) to sign a proposed order for discovery that incorporates by reference a schedule originally submitted to the Court on August 17, 2011 (Docket Entry 32).

As Plaintiffs themselves acknowledge, many of the dates contained in that schedule have long since passed, and we are concerned that ordering the parties to adhere to a schedule that is already obsolete would only serve to confuse issues. If the Court determines, over the still-outstanding objections of Defendants, that discovery should be expedited, we respectfully suggest that the Court give the parties five (5) business days to agree on and submit a revised schedule that is more appropriate. This will not materially affect the Plaintiffs' ability to get adequate relief, as the transaction at issue in this litigation is still not expected to close before the first half of next year.

Thank you for your consideration of this letter.

Respectfully submitted,



Kevin H. Marino

cc: All counsel of record